

DEPARTMENT OF THE ARMY PERMIT  
GENERAL PERMIT 58  
Section 404 Activities  
under the Cache Creek Resources  
Management Plan

Effective Date:  
May 1, 2004

Expiration Date:  
May 1, 2009

TO WHOM IT MAY CONCERN:

The District Engineer, Sacramento District, U.S. Army Corps of Engineers, hereby issues General Permit 58 which authorizes in-stream activities that involve the discharge of dredged or fill material necessary to implement a master plan for the lower Cache Creek area called the Cache Creek Resources Management Plan (CCRMP). The geographic scope of the general permit is a 14.5 mile reach of Cache Creek, encompassing approximately 4,995 acres, extending from the Capay dam, downstream to a leveed section of the creek near the town of Yolo, in Yolo County, California.

The authorized work must be completed in accordance with the conditions stated herein. Projects that do not qualify under this criteria or do not conform to the conditions of this general permit will require other Department of the Army authorization prior to commencing work within waters of the United States.

Issuance of this permit is under the authority of Section 404 of the Clean Water Act (33 U.S.C. 1344), and is in accordance with provisions of the "Regulatory Programs of the Corps of Engineers", 33 CFR 322.2 (f) for activities which are substantially similar in nature and which cause only minimal individual and cumulative environmental impacts.

1. Permit Conditions

1. All terms and conditions of the CCRMP are incorporated into this General Permit by reference. All work must be completed in conformance with these conditions in order to comply with the authorization established under this General Permit. Any subsequent modifications to the CCRMP will require Corps of Engineers review and approval prior to the General Permit being used as an authorization to discharge dredged or fill material under Section 404.

**2. Pre-Construction Notification. Each prospective permittee must notify the Sacramento District Regulatory Branch at the address below in writing as early as possible and shall not begin the activity until notified by this office that the activity may proceed under this General Permit. If after review of the pre-construction notification the Corps determines the project impacts would be more than minimal, the prospective permittee will need to seek other Corps authorization.**

a. Contents of Notification: Notification must include the following information:

(1) The name, address, telephone number (and e-mail address, if available) of the prospective permittee and any designated agent; and

(2) The location of the proposed project. This should include identification of the affected water(s) and the latitude and longitude of the site. The project boundaries should be depicted on a copy of a U.S. Geologic Survey [USGS] topographic map, or other location map with sufficient detail to clearly identify the exact location and extent of the project. Detailed directions to the project site should also be provided; and

(3) A description of existing conditions at the project site. This should include anticipated environmental impacts resulting from the proposed work, including the type and extent of vegetation and/or habitat which would be disturbed or lost due to the project, and photographs showing pre-project site conditions.

(4) A description of any mitigation (avoidance, minimization and/or compensation) proposed to offset impacts to waters of the United States, and associated habitat.

b. Form of Notification: The standard application for Department of the Army Permit form (ENG 4345) available in "Regulatory Permits" on the District's Website at [www.spk.usace.army.mil](http://www.spk.usace.army.mil) or a letter (including email) will be used for notification, provided all of the information required in Special Condition 2.a.(1)-(4) above is included.

c. Where to send Notification: U.S. Army Corps of Engineers, Regulatory Branch, 1325 J Street, Room 1480, Sacramento, California 95814. Telephone (916) 557-5250.

3. No activity which may affect historic properties listed, or eligible for listing, in the National Register of Historic Places is authorized, until the District Engineer (DE) has complied with the provisions of 33 CFR Part 325, Appendix C. The prospective permittee must notify the DE if the proposed activity may affect any historic properties listed, determined to be eligible, or which may be eligible for listing in the National Register of Historic Places. No activity will begin until notified by the District Engineer that the requirements of the National Historic Preservation Act have been satisfied and that the activity is authorized.

4. No work is authorized under this permit in areas that have been set aside by municipalities, counties, the State of California, or the Federal Government as parks, national or historic monuments, or wilderness areas, without prior written authorization from the agency responsible for the management of the area.

5. Any structure or fill authorized shall be properly maintained, including maintenance to ensure public safety.

6. Appropriate erosion and siltation controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date.

7. Heavy equipment working in wetlands must be placed on mats, or other measures must be taken to minimize soil disturbance.

8. No activity or its operation may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.

9. All activities will comply with the November 1, 2002, Section 401 Regional Water Quality Control Board water quality certification for the CCRMP.

10. No activity is authorized under any Corps permit which is likely to jeopardize the continued existence of a threatened or endangered species proposed for such designation, as identified under the Federal Endangered Species Act, or which is likely to destroy or adversely modify the critical habitat of such species. Non federal permittees shall notify the District Engineer if any listed species or critical habitat might be affected or is in the vicinity of the project and shall not begin work on the activity until notified by the District Engineer that the requirements of the Endangered Species Act have been satisfied and that the activity is authorized. For projects with limited impacts on the valley elderberry longhorn beetle (VELB) (Desmocerus californicus dimorphus), work must comply with the U.S. Fish and Wildlife Service's final Programmatic Biological Opinion dated September 19, 1996 (see Appendix A).

11. No discharge of dredged or fill material may consist of unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.) and material discharged must be free from toxic pollutants in toxic amounts (see Section 307 of the Clean Water Act).

12. To the maximum extent practicable, discharges must not permanently restrict or impede the passage of normal or expected high flows or cause the relocation of the water (unless the primary purpose of the fill is to maintain or modify the defined low flow channel).

13. Any temporary fills must be removed in their entirety and the affected areas returned to their preexisting elevation.

14. Any discharge of dredged or fill material authorized by this permit shall be consistent with the terms and conditions of this permit. Activities involving the discharge of dredge and fill material not specifically identified and authorized herein shall constitute a violation of the terms and conditions of this permit which may result in the modification, suspension, or revocation of approval to conduct the activity authorized under this permit.

15. The permittee agrees to make every reasonable effort to conduct the authorized activity in a manner so as to minimize any adverse impact of the activity on fish, wildlife, and natural environmental values.

16. The permittee shall allow the District Engineer or his authorized representatives(s) or designee(s) to make periodic inspections at any time deemed necessary in order to assure that the activity being performed under authority of this permit is in accordance with the terms and conditions prescribed herein.

Limits of this authorization.

- a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.
- b. This permit does not grant any property rights or exclusive privileges.
- c. This permit does not authorize any injury to the property or rights of others.
- d. This permit does not authorize interference with any existing or proposed Federal projects.

Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

- a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
- b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
- c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
- d. Design or construction deficiencies associated with the permitted work.
- e. Damage claims associated with any future modification, suspension, or revocation of this permit.

Issued for and in behalf of Colonel Michael J. Conrad, Jr., District Engineer.

/signed/

Andrew J. Rosenau, Chief, Regulatory Branch

Date 10 May 04

Enclosure:

Map of the Cache Creek Resources Management Plan's geographic area.

Appendices:

- A. VELB Programmatic Biological Opinion, dated September 19, 1996.
- B. Section 401 Water Quality Certification.